

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

March 25, 2002

**IN RE:**

**APPROVAL OF THE AMENDMENT TO  
THE INTERCONNECTION AGREEMENT  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
NAVIGATOR TELECOMMUNICATIONS,  
LLC PURSUANT TO SECTIONS 251 AND  
252 OF THE TELECOMMUNICATIONS  
ACT OF 1996**

**DOCKET NO. 01-00930**

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**ORDER APPROVING AMENDMENT TO THE INTERCONNECTION AGREEMENT**

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*The Petition for Approval of the Amendment to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Navigator Telecommunications, LLC Pursuant to the Telecommunications Act of 1996* came before the Tennessee Regulatory Authority (the "Authority") at the December 4, 2001 Authority Conference. The original Interconnection Agreement was filed on September 18, 2000 and assigned Docket No. 00-00816. The Authority approved the Agreement at the November 21, 2000 Authority Conference. An Amendment to the Agreement was filed on October 24, 2001 and came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Amendment and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The Amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The Amendment is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.<sup>2</sup>

5) No person or entity has sought to intervene in this docket.

6) The Amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

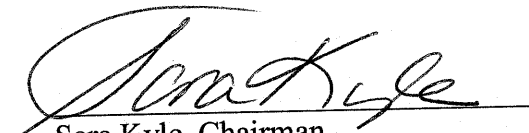
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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

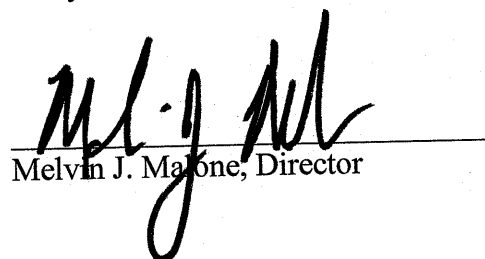
<sup>2</sup> On December 19, 2001, the Authority issued a data request to BellSouth Telecommunications, Inc. requesting information on whether the agreement that is the subject of this docket is consistent with previous decisions. To date, BellSouth Telecommunications, Inc. has not responded to this request.

**IT IS THEREFORE ORDERED THAT:**

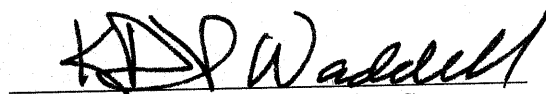
The Amendment to the Interconnection Agreement negotiated between BellSouth Telecommunications, Inc. and Navigator Telecommunications, LLC is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary